

ASSEMBLY BILL

No. 1243

Introduced by Assembly Member Bonnie Lowenthal

February 27, 2009

An act to amend Section 34501 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1243, as introduced, Bonnie Lowenthal. Commercial motor vehicles: safe operation.

Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of specified commercial vehicles, regarding, among other things, inspection and maintenance of vehicles.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 34501 of the Vehicle Code is amended
2 to read:
3 34501. (a) (1) (A) The department shall adopt reasonable
4 rules and regulations that, in the judgment of the department, are
5 designed to promote the safe operation of vehicles *as* described in
6 Section 34500, regarding, but not limited to, controlled substances
7 and alcohol testing of drivers by motor carriers, hours of service

1 of drivers, equipment, fuel containers, fueling operations,
2 inspection, maintenance, recordkeeping, accident reports, and
3 drawbridges. The rules and regulations shall not, however, be
4 applicable to schoolbuses, which shall be subject to rules and
5 regulations adopted pursuant to Section 34501.5.

6 (B) The rules and regulations shall exempt local law enforcement
7 agencies, within a single county, engaged in the transportation of
8 inmates or prisoners when those agencies maintain other motor
9 vehicle operations records ~~which~~ *that* furnish hours of service
10 information on drivers ~~which~~ *who* are in substantial compliance
11 with the rules and regulations. This exemption does not apply to
12 ~~any~~ a local law enforcement agency engaged in the transportation
13 of inmates or prisoners outside the county in which the agency is
14 located; if that agency would otherwise be required, by existing
15 law, to maintain driving logs.

16 (2) The department may adopt rules and regulations relating to
17 commercial vehicle safety inspection and out-of-service criteria.
18 In adopting the rules and regulations, the commissioner may
19 consider the commercial vehicle safety inspection and
20 out-of-service criteria adopted by organizations such as the
21 Commercial Vehicle Safety Alliance , other intergovernmental
22 safety group, or the United States Department of Transportation.
23 The commissioner may provide departmental representatives to
24 that alliance or other organization for the purpose of promoting
25 the continued improvement and refinement of compatible
26 nationwide commercial vehicle safety inspection and out-of-service
27 criteria.

28 (3) The commissioner shall appoint a committee of 15 members,
29 consisting of representatives of industry subject to the regulations
30 to be adopted pursuant to this section, to act in an advisory capacity
31 to the department, and the department shall cooperate and confer
32 with the advisory committee so appointed. The commissioner shall
33 appoint a separate committee to advise the department on rules
34 and regulations concerning wheelchair lifts for installation and use
35 on buses, consisting of persons who use the wheelchair lifts,
36 representatives of transit districts, representatives of designers or
37 manufacturers of wheelchairs and wheelchair lifts, and
38 representatives of the Department of Transportation.

39 (4) The department may inspect any vehicles in maintenance
40 facilities or terminals, as well as any records relating to the dispatch

1 of vehicles or drivers; and the pay of drivers, to assure compliance
2 with this code and regulations adopted pursuant to this section.

3 (b) The department, using the definitions adopted pursuant to
4 Section 2402.7, shall adopt regulations for the transportation of
5 hazardous materials in this state, except the transportation of
6 materials ~~which~~ *that* are subject to other provisions of this code,
7 that the department determines are reasonably necessary to ensure
8 the safety of persons and property using the highways. The
9 regulations may include provisions governing the filling, marking,
10 packing, labeling, and assembly of, and containers that may be
11 used for, hazardous materials shipments, and the manner by which
12 the shipper attests that the shipments are correctly identified and
13 in proper condition for transport.

14 (c) At least once every 13 months, the department shall inspect
15 every maintenance facility or terminal of any person who at any
16 time operates any bus. If the bus operation includes more than 100
17 buses, the inspection shall be without prior notice.

18 (d) The commissioner shall adopt and enforce regulations ~~which~~
19 *that* will make the public or private users of any bus aware of the
20 operator's last safety rating.

21 (e) It is unlawful and constitutes a misdemeanor for ~~any~~ *a* person
22 to operate any bus without the inspection specified in subdivision
23 (c) having been conducted.

24 (f) The department may adopt regulations restricting or
25 prohibiting the movement of any vehicle from a maintenance
26 facility or terminal if the vehicle is found in violation of this code
27 or regulations adopted pursuant to this section.